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April 9, 2008

## Via Electronic Mail and Regular Mail

Ms. Barbara A. Nann, Assistant Regional Counsel  
Office of Regional Counsel  
Superfund Division (6RC-S)  
U.S. EPA Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Re: Gulfco Marine Maintenance Site ("Site")  
Tanks and Tank Contents Removal and Disposal

Dear Ms. Nann:

On behalf of The Dow Chemical Company ("Dow") and Chromalloy American Corporation ("Chromalloy"), I am responding to your letter of March 24, 2008. Dow and Chromalloy are not prepared to sign the AOC without an understanding as to the process by which EPA and the companies will pursue the common goal of delisting the southern portion of the Site. Representatives for Dow and Chromalloy discussed this important matter with you and Gary Miller on February 8, and you advised us that EPA would propose an approach for our consideration. We have not yet received EPA's proposed approach.

However, the companies are still interested in proceeding with the removal of the tanks and their contents from the Site. Given the approaching hurricane season, accelerating the tank removal so that it is completed this summer is prudent and is most protective of human health and the environment regardless of whether the parties can reach the understanding we have requested in connection with the proposed AOC and UAO.

EPA has the plenary authority to authorize such tank removal activities under paragraph 66 of the existing UAO. There is precedent for this approach in the agency's action approving the chloroform investigation and removal in December 2006. In that instance, EPA exercised its authority under the UAO to authorize such removal actions to protect human health and the environment. The parties propose to submit a work plan for the tank removal to EPA for review and approval under the same authority. This will allow both EPA and the companies to assure the removal of the tanks in an expedited manner.

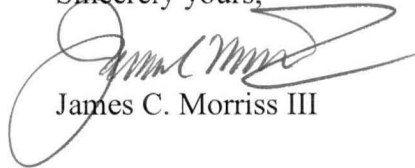
If EPA agrees with the approach to proceeding with the tank removal under the existing UAO, Dow and Chromalloy will submit a work plan, similar in breadth with the work plan required by EPA for the chloroform investigation and removal, to EPA and will conduct the

removal activities upon EPA's approval and authorization. Further, Dow and Chromalloy remain committed to completion of the work required by the UAO and will do so in accordance with the schedule required by that document.

While we regret that we were not able to reach the agreement for accelerating site redevelopment that we discussed in our meeting on January 16, we can continue to move forward on this basis.

We look forward to EPA's response regarding this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James C. Morriss III", is written over the typed name. The signature is stylized with a large, looping initial "J".

James C. Morriss III

cc: ***Via Electronic Mail***  
Gary Miller, EPA  
Allen B. Daniels, LDL Coastal Limited, L.P.  
F. William Mahley, Strasburger & Price  
Brent Murray, Sequa Corporation  
Mike Kay, Dow  
Rob Rouse, Dow